

ESTTA Tracking number: **ESTTA173142**

Filing date: **11/06/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	MasterCard International Incorporated
Granted to Date of previous extension	11/11/2007
Address	2000 Purchase Street Purchase, NY 10577-2509 UNITED STATES
Attorney information	Robert M. Wasnofski, Jr. Dorsey & Whitney LLP 250 Park Ave. 15th Floor New York, NY 10177 UNITED STATES ny.trademark@dorsey.com,wasnofski.robert@dorsey.com,mitrione.gianfranco@dorsey.com Phone:212-415-9200

Applicant Information

Application No	78876030	Publication date	05/15/2007
Opposition Filing Date	11/06/2007	Opposition Period Ends	11/11/2007
Applicant	2001 Penn. Ave. Investments, LLC Suite 400 2001 Pennsylvania Avenue Washington, DC 20006 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2001/05/00 First Use In Commerce: 2001/05/00
All goods and services in the class are opposed, namely: Financial services, namely, investment management and investment advisory services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1494516	Application Date	10/07/1987
Registration Date	06/28/1988	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1986/02/26 First Use In Commerce: 1986/02/26 CREDIT AND DEBIT CARD SERVICES, CARD AUTHORIZATION AND SETTLEMENT SERVICES FRAUD AND COURTERFEIT CONTROL SERVICES AND AUTOMATIC TELLER MACHINE SERVICES

U.S. Registration No.	1723718	Application Date	10/25/1991
Registration Date	10/13/1992	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services		

U.S. Registration No.	2038134	Application Date	03/09/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 electronic data carriers in the form of magnetically encoded cards Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 financial services, namely, providing debit card services		

U.S. Registration No.	1257853	Application Date	04/02/1980
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11		

	Financial Services-Namely, Providing Bank Card Services		
U.S. Registration No.	1270220	Application Date	01/26/1981
Registration Date	03/13/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks		
U.S. Registration No.	1285549	Application Date	09/29/1982
Registration Date	07/10/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Financial Services-Namely, Assisting Its Members in the Sale of Travelers Cheques, Integrated Funds Management Programs, and Money Order Services		
U.S. Registration No.	1738276	Application Date	02/19/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	The mark consists of the words "MASTERCARD" with a globe design.		
Goods/Services	Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services		
U.S. Registration No.	1814279	Application Date	02/01/1990
Registration Date	12/28/1993	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00		

	<p>printed matter and publications; namely, credit cards, travellers cheques, and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, travelers cheque, travel financial assistance, cash disbursement, and transaction authorization and settlement services</p>
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U.S. Registration No.	1890786	Application Date	01/21/1993
Registration Date	04/25/1995	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p> <p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p>		

U.S. Registration No.	2077221	Application Date	04/23/1996
Registration Date	07/08/1997	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00 travelers cheque services, namely the administration of [issuance,] redemption		

	and processing of travelers cheques		
U.S. Registration No.	2168736	Application Date	01/29/1993
Registration Date	06/30/1998	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p>		
U.S. Registration No.	2212340	Application Date	04/21/1997
Registration Date	12/22/1998	Foreign Priority Date	NONE
Word Mark	MASTERCARD CORPORATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 financial services, namely, providing credit card, debit card, [charge card and stored value prepaid card,] cash disbursement, and transaction authorization and settlement services</p>		
U.S. Registration No.	2428192	Application Date	10/01/1999
Registration Date	02/13/2001	Foreign Priority Date	NONE
Word Mark	MASTERCARD EXCLUSIVES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 Promoting the use of payment cards for the goods and services of others through discount, promotional incentives, and electronic and printed coupons and discount offers</p> <p>Class 036. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00</p>		

	Financial services, namely banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services, stored value electronic purse services; providing electronic funds and currency transfer services; electronic payments services, namely, electronic processing and transmission of bill payment data; prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; travel insurance underwriting services; check verification services; issuing and redemption services all relating to travelers' checks and travel vouchers; financial advisory services and consultation relating to all the aforesaid services
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U.S. Registration No.	2428346	Application Date	01/13/2000
Registration Date	02/13/2001	Foreign Priority Date	NONE
Word Mark	MASTERCARD EXCLUSIVES ONLINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 PROMOTING THE GOODS AND SERVICES OF OTHERS THROUGH A PROGRAM AWARDING BENEFITS TO PAYMENT CARDS USERS AND THROUGH INCENTIVES, COUPONS AND DISCOUNTS</p> <p>Class 036. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 FINANCIAL SERVICES, NAMELY BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES, STORED VALUE ELECTRONIC PURSE SERVICES; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES; ELECTRONIC PAYMENTS SERVICES, NAMELY, ELECTRONIC PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA; PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; TRAVEL INSURANCE UNDERWRITING SERVICES; CHECK VERIFICATION SERVICES; ISSUING AND REDEMPTION SERVICES ALL RELATING TO TRAVELERS' CHECKS AND TRAVEL VOUCHERS; FINANCIAL ADVISORY SERVICES AND CONSULTATION RELATING TO ALL THE AFORESAID SERVICES</p>		

U.S. Registration No.	2607150	Application Date	03/12/2001
Registration Date	08/13/2002	Foreign Priority Date	NONE
Word Mark	MASTERCARD SMALL BUSINESS CONNECTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Promoting the sale of the goods and services of others through electronic links to merchants and retailer web sites</p> <p>Class 036. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Financial services, namely, providing credit card, debit card and charge card services, cash advances rendered by credit or debit cards; electronic funds and currency transfer services; automated teller machine service; and transaction authorization and settlement services</p>		

U.S. Registration No.	3102985	Application Date	02/06/2004
Registration Date	06/13/2006	Foreign Priority Date	NONE
Word Mark	MASTERCARD INTERNATIONAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/10/01 First Use In Commerce: 1996/10/01 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3108581	Application Date	01/24/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	MASTERCARD ADVISORS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/01/22 First Use In Commerce: 2003/01/22 Business management and analysis; business management, marketing consultation and assistance; advisory services for business management; market research; conducting marketing studies; providing business statistical information; business research Class 036. First use: First Use: 2003/01/22 First Use In Commerce: 2003/01/22 Financial services, namely, providing advisory services in the field of banking, credit and debit cards and finance		

U.S. Registration No.	3194861	Application Date	09/19/2003
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	DEBIT MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2003/09/10 First Use In Commerce: 2003/09/10 Financial services, namely, banking and debit card services		

U.S. Application No.	78954605	Application Date	08/17/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES;		

	<p>PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Application No.	78954627	Application Date	08/17/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27		

	<p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Application No.	78954618	Application Date	08/17/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27		

	<p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Application No.	78949716	Application Date	08/10/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27		

	Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		
U.S. Application No.	78949725	Application Date	08/10/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

Attachments	73688490#TMSN.gif (1 page)(bytes) 74215678#TMSN.gif (1 page)(bytes) 74644110#TMSN.gif (1 page)(bytes) 73256484#TMSN.gif (1 page)(bytes) 73294257#TMSN.gif (1 page)(bytes) 73392883#TMSN.gif (1 page)(bytes) 74140100#TMSN.gif (1 page)(bytes) 74024596#TMSN.gif (1 page)(bytes) 74350765#TMSN.gif (1 page)(bytes) 75095085#TMSN.gif (1 page)(bytes) 74353604#TMSN.gif (1 page)(bytes) 75278277#TMSN.gif (1 page)(bytes) 75813285#TMSN.gif (1 page)(bytes) 75896151#TMSN.gif (1 page)(bytes) 76225000#TMSN.gif (1 page)(bytes) 78363921#TMSN.jpeg (1 page)(bytes) 78206868#TMSN.gif (1 page)(bytes) 78302853#TMSN.jpeg (1 page)(bytes) 78954605#TMSN.jpeg (1 page)(bytes) 78954627#TMSN.jpeg (1 page)(bytes) 78954618#TMSN.jpeg (1 page)(bytes) 78949716#TMSN.jpeg (1 page)(bytes) 78949725#TMSN.jpeg (1 page)(bytes) PALADIN - NOO.pdf (6 pages)(218083 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/RMW/
Name	Robert M. Wasnofski, Jr.
Date	11/06/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION

Mark: PALADIN CAPITAL GROUP and Design
Applicant: 2001 Penn. Ave. Investments, LLC
Serial No.: 78/876,030
Filed: May 3, 2006
Published in
the Official Gazette: May 15, 2007

	X	
MASTERCARD INTERNATIONAL	:	
INCORPORATED,	:	
	:	
Opposer,	:	Opposition No. ____, __
	:	
v.	:	
	:	
2001 PENN. AVE. INVESTMENTS, LLC,	:	
	:	
Applicant.	:	
	X	

NOTICE OF OPPOSITION

MasterCard International Incorporated, a Delaware corporation located and doing business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as “Opposer”) believes that it will be damaged by the registration of application Serial No. 78/876,030 filed on May 3, 2006, by 2001 Penn. Ave. Investments, LLC (hereinafter referred to as “Applicant”) for the above-referenced mark covering services in International Class 36 (hereinafter “Alleged Mark”) and, having previously been granted extensions of time to oppose, hereby opposes same.

The specific grounds for this opposition are as follows:

1. Opposer is an incorporated association of banks and other domestic and foreign financial institutions whose purpose is, inter alia, to facilitate various financial services transactions, including the interchange of funds through payment cards, on a worldwide basis. Among the many services Opposer offers are banking services, credit card and payment card services, electronic funds and currency transfer services, electronic payment services and transaction authorization and settlement services.

2. Opposer has been in the payment card business since 1966 and has become well and favorably known to members of the public, as well as to members of the banking and financial services community, as a leader in the payment card field. Since 1966, Opposer has used a prominent design, namely, the famous “Interlocking Circles” device, to identify its various products and services. Opposer initially owned and administered the celebrated MASTER CHARGE payment card program, but since 1980 has owned and administered the MASTERCARD payment card program. There are over 800 million MASTERCARD payment cards in circulation worldwide bearing the “Interlocking Circles” device, which have been issued by approximately 25,000 licensed member banks and financial institutions having more than 200,000 branches. Approximately half of these cards are currently in circulation in the United States. Opposer’s MASTERCARD payment cards are accepted at more than 24 million locations, including ATMs, merchants and cash advance locations, and billions of dollars worth of purchases or cash advances were transacted in the year 2006 using a payment card at the point of sale bearing the MASTERCARD and “Interlocking Circles” device marks. Each retail establishment, ATM and cash advance location which accepts Opposer’s payment cards is required to post decals bearing the MASTERCARD and “Interlocking Circles” device marks at the point of sale. During the last 3 years alone, Opposer has expended in excess of \$600,000,000 in advertising its payment card services and other related services and products offered in connection with the MASTERCARD and

“Interlocking Circles” device marks and variants thereof in North America and, in years prior thereto, spent comparably substantial sums.

3. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne Opposer’s famous and highly distinctive “Interlocking Circles” device.

4. As a result of enormous advertising, promotion, card usage, point of sale signage and other extensive usage, the “Interlocking Circles” device has become one of the most renowned brands in the United States and represents an asset of enormous goodwill of inestimable value to Opposer.

5. In addition to its prior common law rights in its “Interlocking Circles” device, Opposer is also the owner of numerous federal registrations and applications that consist of or incorporate the “Interlocking Circles” device or a variant, including:

<u>Mark</u>	<u>Reg./ Ser. No.</u>
Interlocking Circles Design	1,494,516
Interlocking Circles Design	1,723,718
Interlocking Circles Design	2,038,134
MASTERCARD & Design	1,257,853
MASTERCARD TRAVELERS CHEQUE & Design	1,270,220
MASTERCARD TRAVELERS CHEQUE & Design	1,285,549
Globe Hologram Design	1,738,276
MASTERCARD & Design	1,814,279
MASTERCARD & Design	1,890,786
MASTERCARD & Design	2,077,221
MASTERCARD & Design	2,168,736
Card Design	2,212,340
MASTERCARD EXCLUSIVES & Design	2,428,192
MASTERCARD EXCLUSIVES ONLINE & Design	2,428,346
MASTERCARD SMALL BUSINESS CONNECTIONS & Design	2,607,150
MASTERCARD INTERNATIONAL & Design	3,102,985
MASTERCARD ADVISORS & Design	3,108,581

DEBIT MASTERCARD & Design	3,194,861
MASTERCARD WORLDWIDE & Design	78/954,605
Interlocking Circles Design	78/954,627
Interlocking Circles Design	78/954,618
Interlocking Circles Design	78/949,716
Interlocking Circles Design	78/949,725

Many of the registrations referenced herein are incontestable pursuant to 15 U.S.C. § 1065.

6. Opposer has used its “Interlocking Circles” device in connection with financial services and related products and services throughout the United States since many years prior to the filing date of the opposed application and, upon information and belief, use of the Alleged Mark in interstate commerce by Applicant.

7. Opposer’s “Interlocking Circles” device is distinctive and became famous many years prior to the filing of the opposed application and, upon information and belief, use of the Alleged Mark in interstate commerce by Applicant.

8. As a result of the long, extensive and widespread use, advertising and registration of the “Interlocking Circles” device on and in association with Opposer’s various products and services, consumers have become accustomed to associate marks consisting of or containing an interlocking or overlapping circles device with Opposer.

9. By the application opposed herein, Applicant seeks to register the Alleged Mark for a “financial services, namely, investment management and investment advisory services” in International Class 36.

10. Applicant's Alleged Mark is a colorable imitation of Opposer’s previously used and registered “Interlocking Circles” device.

11. Applicant’s Alleged Mark so resembles Opposer’s aforementioned previously used and registered “Interlocking Circles” device as to be likely, when used in

connection with Applicant's services, to cause confusion, to cause mistake, or to deceive, with consequent injury to Opposer and the public.

12. Specifically, and without limitation, the marketing and sale of Applicant's aforementioned services under the Alleged Mark is likely to cause consumers to believe that Applicant's services are those of Opposer, that Applicant's services are connected with the services and products of Opposer, and/or that Applicant is somehow related to or sponsored by Opposer. Accordingly, Applicant's Alleged Mark is not entitled to registration pursuant to 15 U.S.C. §1052(d).

13. Further, registration of the Alleged mark is likely to cause dilution by blurring or dilution by tarnishment of Opposer's famous and distinctive "Interlocking Circles" device in violation of 15 U.S.C. §§ 1125(c) and 1052(f).

14. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. §1063 because such registration would support and assist Applicant in the confusing, misleading and dilutive use of Applicant's Alleged Mark, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

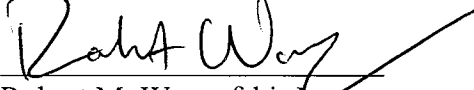
WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that the registration sought by Applicant be denied.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: November 6, 2007

By:


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Attorneys for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION

Mark: PALADIN CAPITAL GROUP and Design
Applicant: 2001 Penn. Ave. Investments, LLC
Serial No.: 78/876,030
Filed: May 3, 2006
Published in
the Official Gazette: May 15, 2007

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MASTERCARD INTERNATIONAL :
INCORPORATED, :

Opposer, : Opposition No. ____, __

v. :

2001 PENN. AVE. INVESTMENTS, LLC, :

Applicant. :

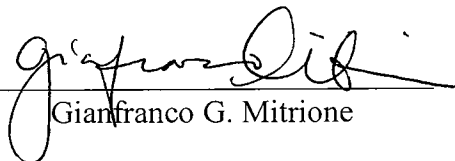
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition is being served upon the "Attorney of Record" for Applicant by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Katherine A. McGowan
Paul, Hastings, Janofsky & Walker LLP
515 S Flower Street, Floor 25
Los Angeles, CA 90071-2201

on November 6, 2007


Gianfranco G. Mittrione